

[Submitting Counsel on Signature Page]

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

In re LIDODERM ANTITRUST LITIGATION

MDL Docket No. C-14-md-02521 WHO

This document relates to ALL CASES

**STIPULATION AND ORDER AMENDING  
SCHEDULE**

**(Civil Local Rule 6.2, 7.12)**

**STIPULATED SCHEDULING ORDER**  
Case No. 3:14-md-02521-WHO

1 The parties stipulate and hereby jointly move to extend the date for close of fact discovery by  
2 90 days, from October 28, 2015 to January 28, 2016, and to advance all subsequent dates accordingly.  
3 The reasons are as follows:

4 WHEREAS, this is complex action, requiring the production and review of hundreds of  
5 thousands of documents, and the taking of many depositions – the parties have allocated up to 40  
6 depositions for each side.

7 WHEREAS, on January 15, 2015, the Court entered a Stipulated Scheduling Order setting forth  
8 a case schedule through trial, including a discovery cutoff of October 28, 2015. [Doc. No. 134].

9 WHEREAS, after the present schedule was set, two additional individual actions were  
10 consolidated in the MDL, adding seven additional individual plaintiffs.

11 WHEREAS, the parties have diligently pursued the respective discovery obligations, seeking to  
12 obtain and produce documents in a timely fashion, and schedule depositions to be completed by the  
13 close of discovery, but as of this date, have not completed production of documents or preparation of  
14 privilege logs, and thus have been unable to schedule depositions.

15 WHEREAS, the parties believe that permitting the parties to complete production and review of  
16 all documents and privilege logs to be produced by the parties before beginning to take depositions is  
17 necessary to the orderly scheduling and taking of depositions, and will promote the efficient use of  
18 resources and avoid duplication of effort.

19 WHEREAS, the parties have met and conferred and believe, subject to the Court's agreement,  
20 that an additional 90 days of fact discovery is necessary to permit the orderly scheduling and taking of  
21 depositions.

22 WHEREAS, the parties have not previously requested an extension of the fact discovery cut-off  
23 and subsequent dates.

24 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the  
25 parties, subject to approval of the Court, that the schedule for the close of fact discovery and all  
26 subsequent scheduled dates, should be amended as follows:

Event	Original Date	Amended Date
Close of fact discovery. All discovery requests must be served to be answerable by this date, except for requests for admissions, which may be served up to 45 days before Rule 56 and <i>Daubert</i> motions are filed	October 28, 2015	January 28, 2016
Plaintiffs to file motions for class certification and class certification expert reports.	November 18, 2015	February 18, 2016
Defendants to file oppositions to motions for class certification and opposing class certification expert reports.	January 20, 2016	April 20, 2016
Plaintiffs file reply briefs in support of motions for class certification and rebuttal class certification expert reports.	March 9, 2016	June 9, 2016
Hearing on motions for class certification	March 23, 2016	June 22, 2016
Parties to serve merits expert reports (party with the burden of proof on the issue serves its expert report on that issue) <sup>1</sup>	April 18, 2016	July 18, 2016
Parties serve opposing merits expert reports	June 27, 2016	September 27, 2016
Parties serve rebuttal merits expert reports	August 11, 2016	November 10, 2016
Close of expert discovery	September 9, 2016	December 9, 2016
Rule 56 and <i>Daubert</i> motions to be filed	September 30, 2016	January 6, 2017
Rule 56 and <i>Daubert</i> oppositions to be filed	November 18, 2016	February 24, 2017
Rule 56 and <i>Daubert</i> replies to be filed	December 23, 2016	March 30, 2017
Hearing on any Rule 56 and <i>Daubert</i> motions	January 12, 2017, 9 a.m.	April 19, 2017, 9 a.m.

<sup>1</sup> The parties may disagree as to who has the burden of proof as to particular issues that will be addressed in the merits expert reports. In the event the parties cannot resolve this issue between themselves, they will seek guidance from the Court at a later date.

Event	Original Date	Amended Date
Joint final pretrial conference statement and proposed order to be filed	February 22, 2017	May 29, 2017
Final pretrial conference	March 13, 2017	June 20, 2017
Trial	April 10, 2017	July 17, 2017

**IT IS SO STIPULATED**, through counsel of record.

Dated: August 4, 2015

Respectfully submitted by:

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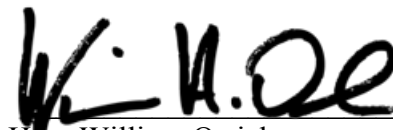
**ATTESTATION STATEMENT**

I, David S. Nalven, am the ECF User whose identification and password are being used to file this STIPULATED SCHEDULING ORDER. Pursuant to Civil L.R. 5-1(i)(3), I attest under penalty of perjury that concurrence in this filing has been obtained from all counsel.

**ORDER**

PURSUANT TO STIPULATION, THE FOREGOING IS SO ORDERED, except that trial will commence on **August 21, 2017**, not July 17, 2017, and the Pre-trial Conference will be held on **June 26, 2017**, not June 20, 2017.

DATED: August 5, 2015



Hon. William Orrick  
United States District Court Judge